



Service of Process Transmittal

08/01/2013

CT Log Number 523226026

TO: Hattie Booth
Allstate Insurance Company
2775 Sanders Road, Corp Litigation --A2East
Northbrook, IL 60062-6127

RE: Process Served in Tennessee

FOR: Allstate Indemnity Company (Domestic State: IL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Caridad Aguilar and Raul Socorro, Pltfs. vs. Allstate Indemnity Company, Dft.

DOCUMENT(S) SERVED: Summons, Return on Service, Complaint

COURT/AGENCY: Memphis County Circuit Court - Thirtieth Judicial District, TN
Case # CH1309671

NATURE OF ACTION: Insurance Litigation - Breach of Contract - Defendant has breached policy in bad faith, entitling plaintiff to relief and damages for breach of contract

ON WHOM PROCESS WAS SERVED: C T Corporation System, Knoxville, TN

DATE AND HOUR OF SERVICE: By Certified Mail on 08/01/2013 postmarked on 07/30/2013

JURISDICTION SERVED : Tennessee

APPEARANCE OR ANSWER DUE: Within 30 days after the summons has been served upon you, not including the day of service

ATTORNEY(S) / SENDER(S): Bruce C. Harris
Memphis Area Legal Services, Inc.
109 N. Main Street
Suite 200
Memphis, TN 38103-5021
901-523-8822

REMARKS: Process served/received by the Insurance Commissioner on July 26, 2013 and received by CT Corporation on July 30, 2013

ACTION ITEMS: CT has retained the current log, Retain Date: 08/01/2013, Expected Purge Date: 08/06/2013
Image SOP
Email Notification, Patti Cummings pgarq@allstate.com
Email Notification, Bill Boodro wboodro@allstate.com

SIGNED: C T Corporation System
PER: Amy McLaren
ADDRESS: 800 S. Gay Street
Suite 2021
Knoxville, TN 37929-9710
TELEPHONE: 800-592-9023

STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov

July 26, 2013

Allstate Indemnity Company
800 S. Gay Street, Ste 2021, % C T Corp.
Knoxville, TN 37929-9710
NAIC # 19240

Certified Mail
Return Receipt Requested
7012 1010 0002 9209 1746
Cashier # 10135

Re: Caridad Aguilar And Raul Socorro V. Allstate Indemnity Company

Docket # Ch-13-0967-1

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served July 26, 2013, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Chancery Court Clerk
Shelby County
140 Adams Street, Rm 308
Memphis, Tn 38103

(CIRCUIT/CHANCERY) COURT OF TENNESSEE
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

SUMMONS IN CIVIL ACTION

Docket No. CH-13-0967-1

☒ Lawsuit
☐ Divorce

Ad Damnum \$ _____

CARIDAD AGUILAR AND RAUL SOCORRO

ALLSTATE INDEMNITY COMPANY

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

ALLSTATE INDEMNITY COMPANY
STEVEN L. GROOT, PRESIDENT
2775 SANDERS ROAD, F9
NORTHBROOK, IL 60062-6110

c/o Commissioner of Insurance
**COMMISSIONER
 DEPARTMENT OF INSURANCE
 500 JAMES ROBERTSON BLVD.
 VOLUNTEER PLAZA
 NASHVILLE, TN 37243**

- ☐ Certified Mail
☐ Shelby County Sheriff
☒ Commissioner of Insurance (\$)
☒ Secretary of State (\$)
☐ Other TN County Sheriff (\$)
☐ Private Process Server
☐ Other

(\$) Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on **BRUCE C. HARRIS, MEMPHIS AREA LEGAL SERVICES, INC.** Plaintiff's attorney, whose address is **109 N. MAIN STREET, SUITE 200, MEMPHIS, TN 38103-5021**, telephone **(901) 255-3449** within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

TESTED AND ISSUED 2 July 2013 By Donna Russell, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, ~~JIMMY MOORE~~ DONNA RUSSELL, Clerk of the Court,
Shelby County, Tennessee, certify this to be a true and
accurate copy as filed this

7-2-13

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

By: Donna Russell

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE** SERVED THE WITHIN SUMMONS:

By delivering on the _____ day of _____, 20____ at _____ M. a copy of the summons
and a copy of the Complaint to the following Defendant _____
at _____

Signature of person accepting service

By: _____
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

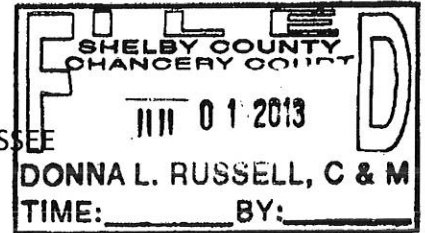
I HEREBY CERTIFY THAT I **HAVE NOT** SERVED THE WITHIN SUMMONS:

To the named Defendant _____
because _____ is (are) not to be found in this County after diligent search and inquiry for the following
reason(s): _____

This _____ day of _____, 20_____.

By: _____
Sheriff or other authorized person to serve process

IN THE CHANCERY COURT OF SHELBY COUNTY TENNESSEE
FOR THE 30TH JUDICIAL DISTRICT AT MEMPHIS



CARIDAD AGUILAR AND RAUL SOCORRO,

PLAINTIFFS,

VS.

DOCKET NO. *CH-13-0967-1*
JURY DEMAND

ALLSTATE INDEMNITY COMPANY,

DEFENDANT

COMPLAINT FOR BREACH OF CONTRACT AND BAD FAITH AND FOR DAMAGES

COME NOW THE PLAINTIFFS, CARIDAD AGUILAR AND RAUL SOCORRO, by and through counsel, and files this Complaint for Breach of Contract, and Bad Faith seeking damages, and state the following as grounds hereto:

1. Caridad Aguilar and Raul Socorro are husband and wife and are adult citizens and residents of Shelby County.

2. Allstate Indemnity Company is a for-profit foreign insurance corporation which is not licensed to do business in the State of Tennessee. Service on a non-resident corporation who does business in the state will be issued through the Secretary of State's Office and sent certified mail to Steven L. Groot, at 2775 Sanders Road, F9, Northbrook, Illinois 60062-6110.

3. Caridad Aguilar and Raul Socorro purchased a home at 4320 Zelda Lane, Memphis, Shelby County, Tennessee. J.P. Morgan Chase, Inc. formerly Chase Home Finance LLC has a security interest in said real estate and holder of the Deed of Trust, and has instituted foreclosure proceedings against said real property.

4. Caridad Aguilar and Raul Socorro had a homeowner's policy in full force and effect with Defendant from May 25, 2011, through May 25, 2012, for said real property.

5. On or about February 2, 2012, said real property sustained significant damage as a result of a fire. The homeowner's policy covered such an occurrence in policy number 9 35 051938 05/25, and the policy limits was One Hundred Forty-five thousand dollars (\$145,000).

6. Caridad Aguilar and Raul Socorro were staying in Florida with friends at the time of the fire and returning to Memphis, from a family vacation in Cuba prior to the fire.

7. The Memphis Fire Department was called to the scene and reported that the fire was caused by failure of equipment or heat source.

8. Plaintiffs Aguilar and Socorro filed a claim under said homeowner's insurance policy for the date of loss on February 2, 2012, under claim number 0234109486. On or about July 3, 2012, Defendant Allstate Indemnity Company denied the claim stating that the fire was incendiary in origin and intentionally caused by Plaintiffs. This conclusion is contrary to the fire report.

9. On or about August 2, 2012, Plaintiff's counsel requested via email facts which support Allstate's denial of the claim. Attorney David M. Waldrop, local counsel representing Allstate Indemnity Company, responded that he could not disclose the specific details of their investigation, and Allstate would not reconsider their decision denying the claim.

10. The City of Memphis has ordered the real property located at 4320 Zelda Lane be demolished as a public nuisance. The cost for demolition is approximately Three Thousand Three Hundred Thirty-two dollars (\$3,332). The house sustained substantial damage and could not be salvaged as a result of the fire on February 12, 2012.

11. The Plaintiffs have been rendered homeless a result of the unjust denial of their insurance claim.

12. Allstate Indemnity Company, Inc., hereinafter referred to as "Allstate" is guilty of breach of contract described herein by its denial of Plaintiffs' claim in violation of the terms of the policy and for failure to provide sufficient information to disclose its basis for denial of benefits.

13. Allstate is guilty of breach of contract described herein by its failure to exercise the skill, care, and knowledge required of a licensed insurance carrier with respect to the investigation and handling of insurance claims pursuant to the terms of the policy.

14. The acts and/or omissions of Allstate constitute the tort of "bad faith" pursuant to T.C.A. 56-7-105 with respect to the exercise of its duties and obligations of due diligence in the investigation of a claim and refusal to pay said claim. Allstate refused to reconsider the claim after demand was made and such acts or omissions were committed intentionally and recklessly.

15. Allstate is guilty of bad faith and refusal to pay the claim described herein because it failed to provide facts to support a legitimate and sufficient basis for denying said claim.

16. Allstate committed unfair claims practices in violation of T.C.A. 56-8-105 for failure to accommodate Plaintiffs with a translator during the investigation of the claim including but not limited to deposing Caridad Aguilar and Raul Socorro without a certified interpreter. The Plaintiffs are Hispanic of Cuban descent and their primary language is Spanish; Plaintiffs have limited proficiency of the English language.

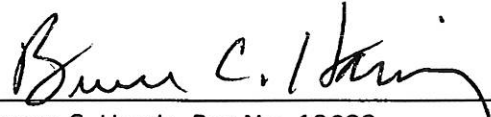
17. As a direct and proximate result of Defendant's acts and/or omissions herein described, Caridad Aguilar and Raul Socorro suffered and sustained emotional distress. In addition, Plaintiffs have sustained economic losses and compensatory damages.

18. As a direct and proximate result of Defendant's bad faith and refusal to pay pursuant to T.C.A. 56-7-105, and the unfair handling of claims pursuant to T.C.A. 56-8-105, Plaintiffs are entitled to reasonable attorney's fees.

WHEREFORE, premises considered Plaintiffs, jointly and severally, pray for a judgment Against Defendant, Allstate Indemnity Company, in an amount of actual and compensatory damages of \$500,000.00, and punitive damages of \$1,000,000.00 together with all the costs of this cause. Plaintiffs pray for all relief and damages to which they are entitled to under common law, the Bad Faith Statute, and Unfair Claims Settlement Practices Act including compensatory damages, statutory penalties, attorney fees, and costs. Plaintiffs demand a jury trial in this cause and such further and general relief to which they may be entitled including prejudgment interest.

Respectfully submitted,

Memphis Area Legal Services, Inc.

By: 

Bruce C. Harris, Bar No. 19022
109 N. Main Street, Suite 200
Memphis, Tennessee 38103-5021
Phone: (901) 523-8822

State of Tennessee
Dept. of Commerce & Insurance
Service of Process
500 James Robertson Parkway
Nashville, TN 37243



7012 1010 0002 9209 1746

FIRST CLASS



7012 1010 0002 9209 1746 7/26/13
ALLSTATE INDEMNITY COMPANY
800 S. GAY STREET, STE 2021, % C T COM
KNOXVILLE, TN 37929-9710

379299710 DB02

